

**ROBERT J. ANNESE**  
ATTORNEY AT LAW

PLANNING & COMMUNITY  
DEVELOPMENT

2024 APR 22 P 12:19

BY HAND

April 22, 2024

Claire Ricker, Director  
Arlington Redevelopment Board  
c/o Department of Planning and Community Development  
730 Massachusetts Avenue  
Arlington, MA 02476

RE: Atwood House - 821 Massachusetts Avenue, Arlington, MA  
Environmental Design Review Special Permit Application

Hello Claire,

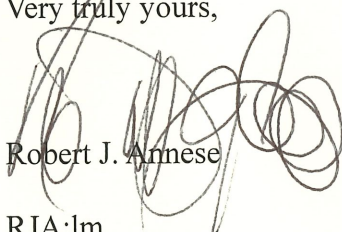
Attached please find Environmental Design Review Special Permit Application together with the application fee in connection with the above matter.

I have also e-mailed to your attention a PDF copy of the application and application fee.

I am requesting that the hearing occur on June 10, 2024.

Please let me know if this is acceptable to the ARB.

Very truly yours,



Robert J. Annese

RJA:lm

Enclosures

2024 APR 22 P 12: 22

TOWN OF ARLINGTON  
REDEVELOPMENT BOARD

Application for Special Permit In Accordance with Environmental Design  
Review Procedures (Section 3.4 of the Zoning Bylaw)

Docket No. \_\_\_\_\_

1. Property Address: 821 Massachusetts Avenue  
Name of Record Owner(s): Noyes Realty LLLP Phone: 781-864-9686  
Address of Owner: P.O. Box 40, Marblehead, MA 01945  
Street City, State, ZIP
2. Name of Applicant(s) (if different than above): \_\_\_\_\_  
Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
Status Relative to Property (occupant, purchaser, etc.): \_\_\_\_\_
3. Location of Property: 052.0-0001-0001.10  
Assessor's Block Plan, Block, Lot No.
4. Deed recorded in the Registry of Deeds, Book 1350, Page 69;  
or- registered in Land Registration Office, Cert. No \_\_\_\_\_, Book \_\_\_\_\_, Page \_\_\_\_\_
5. Present Use of Property (include # of dwelling units, if any): Vacant building and CVS store
6. Proposed Use of Property (include # of dwelling units, if any): First floor – two (2) retail spaces; Second floor – residential; Third floor – residential and a residential unit on the Fourt floor
7. 

<p>Permit applied for in accordance with the following Zoning Bylaw section(s):</p> <p style="text-align: center;"><u>3.3</u></p> <p style="text-align: center;"><u>3.4</u></p> <p style="text-align: center;"><u>(SECTIONS)</u></p>	<p style="text-align: center;"><u>Request for Special Permit</u></p> <p style="text-align: center;"><u>Environmental Design Review</u></p> <p style="text-align: center;"><u>(TITLES)</u></p>
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8. Please attach a statement that describes your project and provide any additional information that may aid the ARB in understanding the permits you request. Include any reasons that you feel you should be granted the requested permission.

**Please see Exhibit A attached to this Application and incorporated into its terms by reference.**

(In the statement below, strike out the words that do not apply)

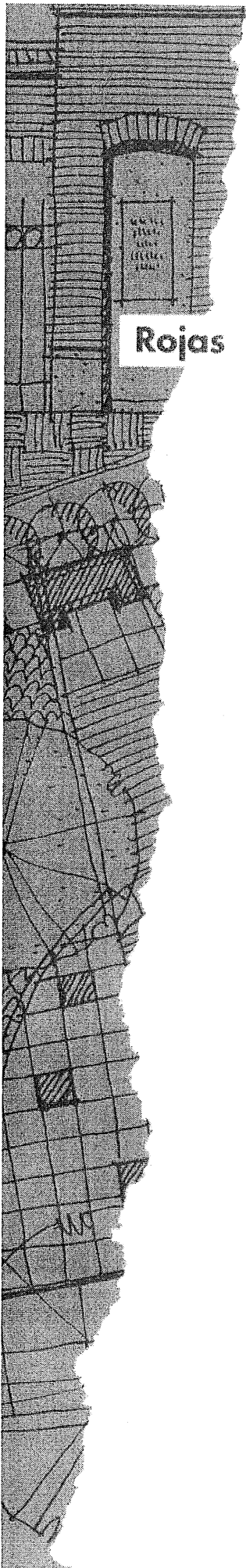
The applicant states that it is the **OWNER** of the property in Arlington located at 821 Massachusetts Avenue, Arlington, Massachusetts which is the subject of this application; and that ~~unfavorable action~~ no unfavorable action has been taken by the Zoning Board of Appeals on a similar application regarding this property within the last two years. The applicant expressly agrees to comply with any and all conditions and qualifications imposed upon this permission, either by the Zoning Bylaw or by the Redevelopment Board, should the permit be granted.

  
Signature of Applicant(s)

PO BOX 40, Marblehead MA 01945  
Address

781-864-9686  
Phone

***\*See ARB Narrative Components for details regarding square feet of each unit.***



821 MASSACHUSETTS AVENUE, ARLINGTON MA  
Town of Arlington Redevelopment Board

RD 2958

Environmental Design Review Form Narrative  
Rojas Design, Inc.

04/16/2024

### **1. Preservation of Landscape**

The existing landscape shall be preserved, as far as practicable, and enhanced. This project minimizes tree and soil removal, and all grade adjustments are in keeping with the general appearance of neighboring developed areas. The existing 'side buffer' tree plantings shall remain and all landscape areas facing the abutters shall be enhanced and improved with new plantings.

### **2. Relation of Building to Environment**

The proposed new building will relate harmoniously to the lot's terrain and to the use, scale, setbacks, and architecture of the existing buildings in the vicinity that have a functional or visual relationship to the building. The building respects and enhances its side-yard relationship to the abutting church. Additional plantings and landscape improvements will help define a more attractive and effective buffer. The new building's setbacks are consistent with the abutters' and meet the requirements of the Zoning By-Law.

### **3. Open Space**

The project's open spaces are designed to add visual attractiveness and functionality for the residents, visitors, customers, and neighbors. The new entrance landscape and walkways from Massachusetts Avenue are designed to improve pedestrian safety, access, and identification. The new entry landscape plantings shall create a more attractive and pleasing streetside environment. The rear entrance landscape and walkways from the parking lot are similarly designed to enhance a safe pedestrian experience, provide additional plantings, lighting, bicycle parking, and clear access and egress. The upper roof decks for the three residential units provide additional open space amenities and encourage social interaction.

### **4. Circulation**

Special design attention has been given to the building's residential and retail entrances, walkways, parking, and pedestrian areas regarding safe vehicular, pedestrian, and bicycle circulation. The building's ground floor is completely accessible and welcoming from both Massachusetts Avenue and the rear parking area. The existing associated rear parking for this building will be re-designed and improved for accessibility and functionality. Bicycle parking will be provided and will be accessible from the rear parking lot. The pedestrian, vehicular, and bicycle circulation improvements will improve safety, access, and attractiveness and will not detract from the use and enjoyment of the proposed building and the neighboring properties.

### **5. Surface Water Drainage**

The site design for this parcel shall include proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Available Best Management Practices for the site shall be employed and include site planning to minimize impervious surface and reduce clearing and re-





Rojas

grading. Best Management Practices may include erosion control and storm water treatment by means of swales, filters, plantings, roof gardens, native vegetation, and leaching catch basins. Storm water shall be treated on-site, as far as practicable. Storm water that cannot be managed on site shall be removed from all roofs, canopies, paved and pooling areas and carried away in an underground drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved areas. The current storm water drainage system in the existing parking lot is very functional and shall be kept in place. The applicant shall maintain all the existing and proposed storm water facilities such as catch basins, leaching catch basins, detention basins, swales, etc. within the site.

The areas that would be considered for stormwater infiltration are the existing parking areas on the northerly side of the project that are to remain. Deep hole soil testing would be performed to evaluate the potential for stormwater infiltration and to determine if groundwater or ledge are site issues.

A stormwater computer analysis would then be prepared to determine the amount of runoff to be infiltrated. The stormwater management design would propose using roof runoff only. Subsequently, stormwater structures would be designed to mitigate any increases in runoff volumes and flows.

In the end, the stormwater structures would most likely be installed under the existing parking spaces, then the parking spaces would be restored to their original condition and elevations. If necessary, the walkways would be designed with permeable pavers or paving.

#### **6. Utility Service**

All proposed electric, telephone, cable TV and other such lines and equipment shall be underground. The proposed method of sanitary sewage disposal and solid waste disposal from all buildings shall be in accordance with all codes and local requirements.

#### **7. Advertising Features**

The size, location, design, color, texture, lighting, and materials of all permanent signs (retail and residential) and all other advertising structures or features shall be in conformance with the Town of Arlington's Signage Code and shall not detract from the use and enjoyment of proposed buildings and structures and the surrounding properties. All signage and advertising features will conform to the provisions of Section 6.2 of the Zoning Bylaw.

#### **8. Special Features**

Any exposed utility or service components (meters, transformers, etc.) shall be screened with appropriate plantings to minimize any visual impacts. Final plans shall include all exposed utility and mechanical features and their proposed landscape screening.

#### **9. Safety**

All of the building's open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police, and other emergency personnel and equipment. As far as practicable, all exterior spaces and interior public and semi-public spaces shall be so designed as to minimize the fear and probability of personal

harm or injury by increasing the potential surveillance by neighboring residents and passersby of any accident or attempted criminal act. Complete site and building security systems shall be incorporated into the proposed development. The safety and security of all residents, visitors, customers, and neighbors are important priorities of this project.

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#### **10. Heritage**

Arlington's heritage shall be respected. The removal, or disruption of historic, traditional, or significant uses, structures, or architectural elements shall be minimized, as far as practicable. The new building will provide a more consistent mixed-use presence on Massachusetts Avenue that relates to the Town's planning goals and priorities.

#### **11. Microclimate**

This development proposes a new structure and new hard-surface ground coverage and shall endeavor to minimize, as far as practicable, any adverse impact on light, air, and water resources, or on noise and temperature levels of the immediate environment. The building and site are designed with a focus on climate practicality, sustainability, and maintainability.

#### **12. Sustainable Building and Site Design**

This project shall incorporate best practices related to sustainable sites, water efficiency, energy and atmosphere, materials and resources, and indoor environmental quality. The building and site are designed with a focus on climate awareness, sustainability, and maintainability. The project is committed to the inclusion of the following sustainability components:

- Sustainable exterior and interior building & site materials and products
- Building envelope compliance with the Stretch Energy Code
- Low-Emittance windows & doors
- Energy-efficient mechanical systems
- Indoor Air Quality and thermal comfort
- Energy-efficient lighting and electrical devices
- Energy Star appliances
- Cool roofs & trellis shading
- Solar-ready roof features
- Sustainable and less water-intensive landscape materials
- Non-invasive plant materials
- Site and building cooling strategies utilizing planting locations
- Waste reduction and recycling
- Storm water management

#### **Building Use and Size**

This new mixed-use building will be three stories tall and have a total gross area of 16,792 GSF (including a 4,448 GSF Basement – storage & mechanical), or **12,344 GSF** without the Basement. The First Floor has a total gross area of 4,448 GSF, the Second Floor has a total gross area of 3,948 GSF, and the Third Floor has a total gross area of 3,948 GSF. The building would have a **total height of 36'-3" above average finished grade**. The new building is completely compliant with the Town of Arlington Zoning Bylaw's Dimensional and Use Requirements for this district. The site will have **10 off-**

**street parking spaces** (including one handicap space) dedicated to this building. Please refer to the attached **Preliminary Zoning Compliance Checklist**.

Two retail spaces and three residential units are included in the building. All retail spaces and residential units shall have 2 means of egress. The ground floor retail spaces shall be designed for code-compliant accessibility and will have direct on-grade entries. The common roof would include private, trellised roof decks for each residential unit.

**Rojas**

### Building Use and Size

This new mixed-use building will be three stories tall and have a total gross area of 16,792 GSF (including a 4,448 GSF Basement – storage & mechanical), or **12,344 GSF** without the Basement. The First Floor has a total gross area of 4,448 GSF, the Second Floor has a total gross area of 3,948 GSF, and the Third Floor has a total gross area of 3,948 GSF. The building would have a **total height of 36'-3" above average finished grade**. The new building is completely compliant with the Town of Arlington Zoning Bylaw's Dimensional Requirements for this district. The site will have **10 off-street parking spaces** (including one handicap space) dedicated to this building. Please refer to the attached **Preliminary Zoning Compliance Checklist**.

Two retail spaces and three residential units are included in the building. All retail spaces and residential units shall have 2 means of egress. The ground floor retail spaces shall be designed for code-compliant accessibility and will have direct on-grade entries. The common roof would include private, trellised roof decks for each residential unit.

The proposed Uses and Sizes are as follows:

- **Two (2) Retail Spaces** - First Floor, on-grade (1,240 SF Each), or One (1) Retail Space - First Floor, on-grade – fully accessible (2,480 SF);
- **Unit 1** - One (1) Second Floor Residential Unit (2,383 SF-TLA) – 3 Bedrooms & 3 ½ Bathrooms. Unit 1 has Second Floor decks with a total of 198 SF, and an upper Roof Deck area of 1,142 SF. Unit 1, therefore, has a total exclusive use deck area of 1,340 SF;
- **Unit 2** - One (1) Third Floor Residential Unit (2,383 SF-TLA) – 3 Bedrooms & 3 ½ Bathrooms. Unit 2 has Second Floor decks with a total of 198 SF, and an upper Roof Deck area of 1,142 SF. Unit 2, therefore, has a total exclusive use deck area of 1,340 SF; and,
- **Unit 3** - One (1) Three-story, Residential Unit (3,441 SF-TLA) – 3 Bedrooms & 3 ½ Bathrooms. Unit 3 has Second & Third Floor decks with a total of 360 SF, and an upper Roof Deck area of 1,149 SF. Unit 3, therefore, has a total exclusive use deck area of 1,509 SF.

### Sustainability

The building and site are designed with a focus on constructability, sustainability, and maintainability. The project is committed to the inclusion of the following sustainability components:

- Sustainable exterior and interior building & site materials and products
- Building envelope compliance with the Stretch Energy Code

- Low-Emittance windows & doors
- Energy-efficient mechanical systems
- Indoor Air Quality and thermal comfort
- Energy-efficient lighting and electrical devices
- Energy Star appliances
- Cool roofs & trellis shading
- Solar-ready roof features
- Sustainable and less water-intensive landscape materials
- Non-invasive plant materials
- Site and building cooling strategies utilizing planting locations
- Waste reduction and recycling
- Storm water management

The project is dedicated to minimizing the amount of waste generated during construction and striving to recycle construction waste materials. This will help reduce the amount of waste that ends up in landfills or incineration facilities. Materials that are typically sent to recycling companies include concrete, wood, masonry, cardboard, steel, aluminum, furniture, tiles, and landscaping debris, among others.

#### **Stormwater Management – Civil**

The areas that would be considered for stormwater infiltration are the existing parking areas on the northerly side of the project that are to remain. Deep hole soil testing would be performed to evaluate the potential for stormwater infiltration and to determine if groundwater or ledge are site issues.

A stormwater computer analysis would then be prepared to determine the amount of runoff to be infiltrated. The stormwater management design would propose using roof runoff only. Subsequently, stormwater structures would be designed to mitigate any increases in runoff volumes and flows.

In the end, the stormwater structures would most likely be installed under the existing parking spaces, then the parking spaces would be restored to their original condition and elevations. If necessary, the walkways would be designed with permeable pavers or paving.

#### **Environmental Design Review - Standards and Applicability**

Jurisdiction is in the Arlington Redevelopment Board with respect to the Applicant's plans because the construction will be on a site abutting Massachusetts Avenue. (See Subsection (a) of Section 3.4.2 of the bylaw).

The plans for the potential development at the site have been before the ARB on numerous occasions and never reached a point where a vote was appropriate for approval or denial of those plans pending before the ARB.

The Applicant has also appeared before the Arlington Historical Commission on a number of occasions and the Historical Commission on June 8, 2022, denied plans submitted by the Applicant to the Commission which triggered the running of the one-year so-called demo period. The demo period has passed, and the Applicant has prepared the Good Neighbor Agreement and obtained signoffs from various Town Departments with respect to steps



to be taken in completing the demo application for submission to the Building Department.

The building to be demolished and the new construction site is located on the same lot as the existing CVS store building and there are no plans to subdivide the lot with respect to the Applicant's building plans.

The Applicant and members of his team have paid close attention to comments made at prior multiple hearings before both the ARB and the Historical Commission with respect to comments made by Members of the ARB and the Historical Commission as well as other interested parties with respect to what many individuals would like to see located in place of the Atwood House once the Atwood House is demolished.

Both the CVS store and the Atwood House are located on the same lot and there can be no subdivision of the lot to accommodate zoning for either one standing on its own because of zoning bylaw constraints.

At the time of the CVS ARB hearing which took place in 2009, there was language contained in the decision to the effect that there was a contemplation on the part of the Members of the ARB that the Atwood House could be demolished however there was no time constraint related to any plans to demolish the building.

The 2009 CVS ARB Decision contains language allocating certain parking spaces for the Atwood House whether it was to remain, be modified, demolished, or reconstructed.

We believe the Atwood House was constructed in the 1890's and of course the CVS store was constructed in the year 2010.

The Atwood House has been vacant and in a state of disrepair for an extended period of time.

As a result, he was fined by the Town and has fully paid all fines relating to outstanding building code and/or other violations.

He has engaged the services of Andres T. Rojas, Rojas Desing, Inc., who has prepared mixed-use plans with respect to the submission and is now ready to move forward and obtain approval of the plans, demo the Atwood House, and construct a new mixed-use building all in accordance with the plans submitted to the ARB.

Development of the site will remove a significant "eyesore" on Massachusetts Avenue, the main thoroughfare through the Town and, at the same time will add additional residential living space in the Town while maintaining a mixed-use component with respect to office use.

For all of the above reasons the Applicant respectfully requests that his plans be approved by the ARB.

**821 Massachusetts Avenue, Arlington, MA**

**Environmental Design Review Form Special Permit Criteria  
April 22, 2024**

1. The use requested is listed in the Table of Use Regulations as a special permit in the district for which application is made or is so designated elsewhere in this Bylaw.

**See Section 3.4.2, further subsection (a) of the of the Zoning Bylaw.**

2. The requested use is essential or desirable to the public convenience or welfare.

**The existing building has been located on the property for many years and has been and is in an unsafe and unattractive manner.**

**Arlington Police have been called to the site on numerous occasions to deal with trespassers and other individuals who may have visited the site for purposes which would result in potential commission of criminal and civil offenses.**

**The submission of this Application offers and opportunity for the Town to eliminate the safety hazard which exists for the public because of the condition of the property and also offers an opportunity to eliminate an unattractive rundown and disused building a the property.**

3. The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.

**The requested use will not create undue traffic congestion, or unduly impair pedestrian safety for the reason that the parking and traffic flow will be blended in with the traffic and pedestrian activities at the abutting CVS store with the new building proposal using the existing Stop & Shop entry and exit curb cuts.**

**In addition, there should be no particular reason why there would be significant pedestrian activity in the area of the proposed building as individuals using the parking area for the new building will simply be entering and existing their vehicles and/or mounting/dismounting from their bicycles.**

4. The requested use will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety, or the general welfare. |

**The requested use will not overload any town municipal use.**

5. Any special regulations for the use, set forth in Article 11, are fulfilled.

**Any special regulations for the use that may be provided in the Bylaw will be fulfilled.**

6. The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health, morals, or welfare.

**The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health, morals, or welfare for the reason that once again a public safety issued will be addressed with the removal of the existing rundown and disused building which will be replaced by an attractive mixed-use building which will blend in nicely with the character of the other properties in the neighbor of the property.**

**The new construction will remove an unattractive building replacing that building with a new building which will in turn enhance the integrity and character of other properties in the district and adjoining districts.**

7. The requested use will not, by its addition to a neighborhood, cause an excess of that particular use that could be detrimental to the character of said neighborhood.

**There will be no excess use of the mixed-use component of the proposed building rather the Applicant's proposal will comport with the objectives of the master plan to maintain a mixed-use component in the zoning district within the Town and the requested mixed-use building will not be detrimental to the character of the neighborhood in which the property is located.**

<b>821 (833) MASSACHUSETTS AVENUE - PARCEL ID 052.0-000 1-0001.0</b>			<b>10/19/2024</b>
Arlington, Massachusetts 02476			<b>ROJAS DESIGN, INC.</b>
Noyes Realty, LLP			Architecture
			RD 2958
<b>PRELIMINARY ZONING ANALYSIS - ZONING COMPLIANCE CHECKLIST</b>			
Zoning District: B4 - Vehicular Oriented Business District			
Zoning By-Law - 5-27 & 5-33 - District Regulations - B4 District			
Zoning By-Law - 5-32 & 5-34 - Districts & Uses - B4 District			
Mixed-Use < 20,000 SF - Allowed by Special Permit			
Retail < 3,000 SF - Allowed			
Retail > 3,000 SF - Allowed by Special Permit			
Any Restaurant - Allowed by Special Permit			
<b>DIMENSIONAL REGULATIONS AND EXISTING COMPLIANCE</b>			
B4 District - Mixed Use < 20,000 SF			
	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
Minimum Lot Area (SF) - Mixed-Use < 20,000 SF	NA	12,980.88	12,980.88
Minimum Lot Frontage (Feet)	50.00	50.00	50.00
Minimum Lot Area Per Dwelling Unit (SF) - 3 DU = 2 Comm Units	NA	NA	2,596.18
Maximum Floor Area Ratio (FAR)	3.00	0.27	1.40
Maximum Lot Coverage (% of Lot)	NA	NA	NA
Minimum Open Space (% of Lot)	NA	NA	NA
Minimum Front Yard Setback (Feet)	0.00	37.30	9.75
Minimum Side Yard Setback (Feet)	0.00	17.90	6.75/7.8
Minimum Rear Yard Setback (Feet) - 10+ (L/10)	13.43	149.50	24.7/81.45
Minimum Buffer - Abutting Residential Lots	15.00	NA	NA
Maximum Building Height (Feet)	60/50	26.00	36.33
Maximum Building Height (Stories)	5 to 4	2.50	3.00
Parking - Spaces	10.00	10.00	10.00
Zoning By-Law - 6.2 - Table of Off Street Parking Standards			
Dwelling Units - One Parking Space per DU			
Retail or Service - One Parking Space per 300 SF			
Professional Office - One Parking Space per 500 SF			